

Resource Handbook



REDUCTION-IN-FORCE

**Guidelines Governing Reduction-In-Force
Separations and Reemployment of State
of North Carolina Government Employees**



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R

EDUCTION-IN-FORCE

A Reduction-in-Force (RIF) occurs when changing priorities, budgetary constraints, or legislative actions require the Department to abolish positions or to change duties so significantly that the employee no longer qualifies.

Not every RIF results in employee separations. Many employees whose jobs are to be abolished are placed in other positions in the Department or other state agencies. Employee separations do not occur until management has considered every feasible alternative schedule (*eg.*, freeze on vacant positions, limits on purchasing and travel, job sharing and work schedule alternatives). Retention and separation of individual employees are based on certain factors including type of appointment (temporary, probationary or permanent), length of service, and performance. Equal Employment factors are also considered to avoid adverse impact on minorities, veterans, employees older than age 40, and employees with disabilities.

What are my rights?

Your appointment status determines your RIF rights. You have RIF rights under state law and policy if you have obtained career status employee in a permanent full time or permanent parttime (20 or more hours per week) appointment, or have served in a time-limited appointment for three years or more. You are a career status employee (or career state employee) if you are employed by the State for the immediate 24 preceding months. If you do not know your appointment status, contact your human resource manager.

RIF rights reflect the State's intent of employees separated through a Reduction-in-Force to continue or restore employment with the same appointment status, salary grade, and at a salary rate equal to that held at the time of notification. If you meet the minimum qualifications for a position and can perform the job in a reasonable length of time, including normal orientation and training given any new employee, a state agency must offer you the vacant position prior to employing another who is not a current state employee. The priority is for positions which are at a salary grade equal to or below that held at the time of notification.

This priority remains in effect for 12 months from the date you receive written notification of separation. If you are an employee who has received a Reduction-in-Force notification and have more than 10 years of state service, you have a higher priority than those RIF employees with fewer than 10 years of state service in the same or related classification.

You have the right to appeal a separation due to a Reduction-in-Force or a denial of priority placement or reemployment consideration. Appeal rights are set forth in the Department's reduction-in-force policy (See Reduction-In-Force Policy located in the Appendix). Contact your division or institution human resource manager if you have questions related to the RIF policy and/or your appeal rights.

How will the Department of Health and Human Services help me?

The Department of Health and Human Services has written guidelines for RIF which ensure that potential separations are based on a fair and systematic basis. Even before providing written notice, the Department pursues alternatives to staff reduction. Management informs employees of a Reduction-in-Force as soon as possible (at least calendar 30 days prior to separation). Written notification includes the reasons for the RIF, your eligibility for priority placement and reemployment consideration, appeal rights, and benefits information. The Department will assist employees with placement and support services.

Your division or institution human resource manager is your primary contact for placement assistance and services. The HR manager will coordinate placement in your division or institution and will work with the Division of Human Resources to provide placement assistance throughout the Department. Information on current vacancies will be made available to you by your human resource manager, who will also assist with determining qualifications.

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The Department will coordinate out-placement assistance if you wish to seek employment in other state agencies. This may include assistance on resume preparation and interviewing skills. Placement referral includes coordination with the Office of State Personnel and the Employment Security Commission.

The Office of State Personnel also provides support for reemployment assistance. (See Office of State Personnel in Appendix). Additionally, the Office of State Personnel maintains a referral system which will send your application to vacancies within agencies. All state agencies are required to post vacancies for which they are openly recruiting with the Office of State Personnel.

Does the State of North Carolina provide severance pay if I am separated through a Reduction-In-Force?

You will be eligible for severance salary continuation if you are separated and there is no foreseeable opportunity for reemployment. Severance salary continuation is paid on the mid-month payroll following the month for which it is due. For example, payment for July will be made on August 15. Social Security, federal and state taxes are the only allowable deductions. Severance salary continuation must be approved by the Office of State Budget, and is subject to the availability of funds. Should you be eligible and apply for retirement before separation, you would not be entitled to severance salary continuation.

As a RIF'd employee, if I am on short-term disability, when does my priority reemployment benefit begin?

Under DHHS's Reduction-in-Force policy, typically an employee's priority reemployment rights begin on the date of notification. However, if you are on short-term disability, then your rights under this benefit would not begin until your short-term disability ended and you were able to work.

R

REEMPLOYMENT

Now that you have received written notification that your position will be subject to a Reduction-in-Force, it is critical that we begin the process of identifying other job opportunities for you. This responsibility rests with both you as an employee facing a potential layoff and the NC Department of Health and Human Services. This chapter explains your rights for reemployment including information on two key components of the process: job placement priority and priority reemployment consideration. The Department's RIF policy, which is included in the Appendix, offers specific information on these two components of the reemployment process and your eligibility for them.

What you need to remember is that there are several agencies ready to offer you support and assistance. Your division or institution human resource manager will coordinate your job search, and will help you identify prospective opportunities in other state agencies.

The NC Office of State Personnel and the Employment Security Commission will be available for job assistance. More important, this chapter provides you with a detailed procedure to begin the process, and it outlines your responsibilities as well as ours in helping to continue your employment without interruption.

Please pay particular attention to this section on reemployment. If you have questions, you should contact your division or institution human resource office for guidance and additional information.

What should I do to get another State job?

Your first and most important step is to complete a State of North Carolina employment application and submit it to your division or institution human resource office. **This is a critical first step and should be completed quickly!**

Your application will be forwarded to the Division of Human Resources, and will then be sent to the Office of State Personnel for registration in the state's reemployment program. As statewide vacancies occur, the Office of State Personnel will send a RIF certificate for that job classification to the state agency posting the vacancy.

If the RIF certificate and the types of jobs listed on your application match, then your name and a copy of your application are automatically forwarded to the agency which posted the vacancy. If you qualify for the specific job posted by that agency, then the agency must contact you and offer you an interview.

Human resource office staff in your division or institution will be available to meet with you to review your application and make sure that it has been properly completed. They will also help you identify appropriate jobs which interest you and for which you are qualified. You will notice that the state employment application provides space for listing three jobs in which you are interested. If you have interest in more than three, you will need to attach a typed or handwritten addendum to your application.

When you are listing jobs, it is advisable to also consider jobs at the same level or lower levels than the one you currently occupy to increase your chances for reemployment. If you have priority rights, these rights remain in tact even if you accept a lower level position. Just give yourself every possible opportunity for reemployment that you can.

Can I maintain my current salary?

If you accept a position at the same salary grade, you will be paid at the same salary rate you had when you received notification of separation by a Reduction-in-Force. If you accept a position at a lower salary grade, the salary rate will be maintained up to the maximum of the lower grade. If you accept a position at a lower salary grade or salary rate than the one held at the time of notification, you will retain priority for your former salary grade and rate for the balance of your 12-month period of priority status.

How do I find out about other jobs?

Staff in your human resource office will ensure that you have access to current vacancy lists for positions available in the Department of Health and Human Services in addition to other state agencies and institutions. Vacant positions are usually announced in printed form or electronically through the state's automated job listing service known as "PM Jobs." The State's automated job listings are available through public libraries, university libraries, local offices of the Employment Security Commission and can be accessed on the Internet at <http://www.osp.state.nc.us/jobs/>.

Please remember that your efforts to identify vacancies and potential job opportunities can be your best advantage. While the job search is a mutual responsibility, you can certainly increase your prospects for job placement by aggressively searching for vacancies within the department as well as elsewhere in state government. Even if you identify vacancies which you did not include on your application, we strongly recommend that you apply for them and attach a copy of your RIF notification letter. When you do this, you alert the agency with the vacancy that you have priority rights to the position.

Remember that if the vacant position is at the same or higher level than the one from which you have been RIF'd, you will forfeit your priority rights if you decline an offer to interview.

Again, your human resource office in your division or institution will provide all possible assistance to place you in another position, so you will need to maintain contact with them throughout your job search.

What is Priority Placement and Priority Reemployment Consideration?

Priority Placement and Priority Reemployment Consideration are defined in the Department's Reduction-In-Force Policy found in the Appendix of this resource book. Simply, once you have been notified in writing that your position will be subject to a RIF and that you will be separated, you are accorded certain employment rights. If you are a career state employee with a permanent appointment or have served in a time-limited appointment for three years or more, you have "priority placement rights" until your separation. After the position has been abolished, you are accorded "priority reemployment consideration" rights. In either case, you are accorded priority rights to vacancies for which you qualify. If you meet the minimum qualifications for a position and can perform the job in a reasonable length of time, including normal orientation and training given any new employee, a state agency must offer you the vacant position prior to employing anyone who is not a current state employee. You are ensured of these rights and considerations for 12 months from the date of written notification that you will be separated from a position subject to a Reduction-in-Force.

What if I'm eligible to retire?

If you decide to retire or apply for retirement after receiving an official written notice of an impending Reduction-In-Force, you will waive the right to priority reemployment consideration. If you choose to apply for retirement after separation through a Reduction-In-Force, you may retain priority reemployment consideration during the 12-month period.

C

CAREER SUPPORT SERVICES

Whether it has been some time since you last entered the job market or not, it is worthwhile to brush up on your job hunting skills. This is a good time to inventory your strengths and weaknesses, take a fresh look at your options and plan your next career move. In this section, you will find information on:

- State of North Carolina Employment Application
- Job Search
- Resources for Job Information

Do I need to submit a new Application for Employment?

Yes. The Application for Employment is an important marketing tool. Information that you provide on this document will give a human resource manager and a hiring manager the opportunity to review and assess your qualifications against other applicants. The employment application is a primary recruiting tool for any organization considering applicants for jobs.

Updating your current job application is an important step in your job search. Your current application is a part of your personnel file located in the human resource office of your current division or institution. If your application is more than six months old, you should complete a new one. Current information will improve your competitive position in the selection process. If your application is less than six months old, you can attach an additional sheet to a copy of the application file as an update. Be sure to give yourself credit for every month of experience attained. You should also be sure to include all work experience that is relevant to the job for which you are applying. Related volunteer experience is also considered. Some applicants omit experience that occurred more than 15 or 20 years ago, but it is strongly advised that you include any relevant experience regardless of when it occurred.

Why can't I just send a resume?

To ensure full consideration for any state job, you must submit a signed and dated application to the appropriate hiring agency. A resume can supplement the application, but it does not replace it. The signed application is an official state document and is used to determine salary, verify educational credentials, investigate prior convictions, and document an applicant's salary history. A resume does not always provide such information, so it becomes extremely difficult to qualify individuals for employment or to propose a fair salary.

How does human resources "qualify" my application?

The human resources staff reviewing your application will look at the experience you have listed on your application to see if it includes the minimum training and experience to qualify for the position. The following sample vacancy posting lists two variables – minimum qualifications and management preference.

Example: Personnel Analyst II

Minimum Training and Experience: Graduation from a four-year college or university and three years of human resource experience in a technical, officer, or administrative capacity; or an equivalent combination of training and experience demonstrating the required knowledge and abilities.

Management Preference: Three years of experience in position management, compensation and salary administration are preferred in addition to the minimum educational requirements.

In the preceding example, you qualify for the Personnel Analyst II classification if you meet the necessary **Minimum Training and Experience** listed in the vacancy posting. You also qualify for the vacant position of Personnel Analyst II if you satisfy the additional skills requirements listed under **Management Preference**. Some positions require additional experience to meet the job requirements.

If I list my job title and my basic duties, isn't that enough?

No. If the position calls for specific skills under the "required qualifications and preferences," there may not be enough information to qualify you. Be sure to read the vacancy listing carefully. When preparing your application, be sure to cover all of your main duties and training experience. This may include both formal education and other job-related training.

Where can I get information on the classes/training I have taken on the job?

The training coordinator for your division/institution can provide you with a listing of the classes you have taken.

How do I know what to list for my experience?

When reviewing the major parts of your job, both your job description and work plan should be helpful. In the rush to complete an application, it is often easy to overlook an infrequent part of your job which may be relevant to the job you seek.

Do I have to type my application?

It is not necessary to type your application. However, if you do not type your application, be sure to print clearly and legibly in blue or black ink.

How do I complete the application for employment?

FIRST NAME: For consistency it is a good idea to use the same name used on your current application.

JOBS APPLIED FOR: You need to consider jobs for which you qualify and those which you would actually accept if offered. If you apply for all the jobs for which you might be interested and then are offered a position, you may jeopardize your priority reemployment status if you decline the offer.

TRAINING: Review the different classes you have taken over the past five years. Consider which of these is most applicable to the position for which you are applying. While you may have taken a number of classes, some are more relevant to the job than others. For example, stress reduction is a great class for personal development, but may not have direct application to demonstrating your job skills.

SPECIFIC COURSES: Some classes are necessary for the work done or are mandated. For example, Health Care Technicians are required to take First Aid training annually. If you completed in-service certification in First Aid training, you would list the course and the years you took the class:

First Aid Training 1993, 1994

MEMBERSHIPS: List any professional organizations relative to the position for which you are applying. Include any offices you have held.

CURRENT EMPLOYER: List the full name of the agency including the division or institution. This will speed up mail delivery.

DHHS Box 2134
John Umstead Hospital Butner, NC 23411

SUPERVISOR'S NAME: Use formal names rather than a nickname.

Example: John Smith instead of "Red" Smith

REASON FOR LEAVING: Indicate that you have been RIF'd. This alerts the human resource officer that you may have priority reemployment status.

LIST MAJOR DUTIES: Before listing job duties on your application, jot them down on a sheet of paper and consider which of them is most critical. Be sure to compare this list with what is listed in the vacancy posting under both minimum training and experience and under management preferences.

Where can I get an application?

You can obtain a State of North Carolina employment application from your division's or institution's human resource office, local library, Employment Security Commission office and over the Internet. ([http:// www.osp.state.nc.us/jobs/gnrlinfo.htm#app](http://www.osp.state.nc.us/jobs/gnrlinfo.htm#app))

What steps should I take to begin my job search?

1. Identify the type of job you want (positions for which you qualify, careers similar to the job you have now, or potential new careers).
2. Have a well-organized application which shows that you have the qualifications for the job you seek. If you are considering a position outside of state government, then a well-written resume is essential.
3. Identify potential employers for whom you would like to work as well as everyone you know who may be aware of openings in your field (family, friends, co-workers, neighbors, or professional organizations).
4. Ask potential employers for advice on resources and contacts that may lead to the job which interests you. Ask them to keep you in mind when vacancies occur.
5. Follow up with a thank-you note to people you visit and call them via telephone once every two to three weeks to see if they know of any vacancies in your area of interest.
6. Gather enough information so you can adequately evaluate your job-hunting strategies.

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7. Make a list of all the prospective employers you have discovered through your research, including the name of the person in charge of the department in which you wish to work.
 8. List your top 20 potential employment targets.
 9. Send tailor-made cover letters and resumes to the person with the authority to hire you from the top 10 on your list.

What resources exist that will help me find a job?

Employment Security Commission Vacancy Listing. The Internet Job Information Service provided by the Employment Security Commission (ESC) of North Carolina is a self-directed system which provides a listing of current job openings. The service is available through most county libraries. If you have access to the Internet, it is also available through one of the several network services.

To apply for a job in which you are interested, you must be a U.S. citizen or an individual authorized to work in the United States. In North Carolina, you may visit the nearest Employment Security Commission Office to register and to receive more information. The Employment Security Commission will require you to visit their offices as they do not take information via the telephone.

You will be asked to submit a completed State of North Carolina Application and you may include a resume. When you are interested in a specific position, you must include the Job Number(s), Occupational Code(s) and your Social Security Number. The Employment Security Commission uses a computer linking system and your Social Security Number to enter your name into the computer system for identification and retrieval. If your resume meets all of the requirements listed in the job order (vacancy posting), it will be presented to the employer for further consideration.

State Government Vacancy Listing. The Office of State Personnel offers an automated job vacancy listing called PMJOBS. Copies of the vacancy listing are available for review in your division/institution human resource office and in many of the local libraries.

OSP service for state employees. The Office of State Personnel maintains an office for job referrals of state employees. The Employee Selection and Retention Services section is located on the third floor of the Administration Building, 116 W. Jones St. in Raleigh. Assistance may be reached at 919-733-7922.

NCSU Office of Continuing Education. The NC State University Office of Continuing Education provides career reviews, counseling services and alternatives for those desiring to change careers and who may need additional education. The office is located in the McKimmon Center on the NCSU campus.

Women's Center. The Women's Center of Wake County provides career development workshops in addition to workshops on job hunting for a minimal fee. The center is located at 128 E. Hargett St., downtown Raleigh. Telephone: 919-829-3711

Chambers of Commerce. Local Chambers of Commerce provide directories of businesses within an area. Copies of these directories are also located in local libraries.

County Libraries. Books on job hunting, interviewing and resume writing, and information on local employers can be found in most libraries.

B

ENEFITS

In the weeks ahead, your employment benefits are among the most important decisions facing you. Most employees who find themselves occupying positions which are subject to a Reduction-in-Force (RIF) are concerned with the continuation of health care coverage and other insurance programs under payroll deduction. Also, you will likely have questions about your retirement benefits and the funds you have contributed to your retirement account. You also may have questions about your vacation and sick leave balances.

This chapter will answer many of these questions and provide guidance on exactly what you need to do, when you need to do it, and whom you need to contact. It is our hope that your benefits will continue uninterrupted since the Department will make a concerted effort to place you in another position. But if you find that you are facing separation from state employment as a result of a RIF, the following information will certainly be important to you.

For more information on benefits, contact your division or institution human resource office immediately. Benefits representatives will help you with any questions and will make sure you know who to contact for specific guidance.

**Community Service
Leave**

If you transfer to another state agency, the balance of your community service leave will be transferred to that agency. You may contact your human resource manager to confirm your community service leave balance.

Sick Leave

You cannot be paid for accumulated sick leave if you are separated. However, if you return to state employment within five years from your last day of work, your accumulated sick leave will be reinstated. If you transfer to another state agency, your sick leave will be transferred to your new agency. Sick leave will also be transferred to a local agency (those described under Vacation Leave) if the agency agrees to accept this leave. Similarly, if you are employed at a later date by one of the listed agencies, your sick leave may be reinstated if the agency agrees. You should contact your human resource office to confirm your sick leave or if you need verification sent to your new agency.

Vacation Leave Payment

If you are separated, you will be paid for the vacation leave you have accumulated up to a maximum of 240 hours on the earliest payroll possible following your separation. If you transfer to another state agency before you are separated, your vacation leave will be transferred to an area mental health, public health, social services, or emergency management agency. If the agency head is willing to accept the leave, it also may be transferred to a public school, community college, or technical college. You may contact your human resource office to verify your vacation leave balance in case of a transfer to another agency or employment separation.

Longevity

If you are eligible to receive longevity pay and are separated from state government, you will receive a prorated amount on the earliest payroll possible following the date of your separation. If you are transferring to another state agency, you will receive longevity on your regularly scheduled eligibility date. Please note that if you do transfer to another state agency, the receiving agency is responsible for the payment of longevity.

U.S. Savings Bonds

If you are purchasing a US Savings Bond through payroll deduction, you will receive a refund of the amount you have paid toward the purchase of the bond. If you are transferring to another state agency and are interested in continuing in the program, you should contact your new human resource office.

Health Insurance

Your health insurance coverage under the State Health Plan will be paid for you up to one year following the date of separation, provided you have 12 or more months of consecutive state service. After this, you may continue coverage on a contributory basis for as long as you desire. If you have dependent coverage, it also may be continued on a contributory basis. Contact your human resource manager for more information.

Retirement

Service Retirement (Unreduced Benefits)

You may retire with unreduced service retirement benefits after

- you reach age 65 and complete five years of creditable service, or
- you reach age 60 and complete 25 years of creditable service, or
- you complete 30 years of creditable service, at any age.

Early Retirement (Reduced Benefits)

You may retire early with a reduced retirement benefit after

- you reach age 50 and complete 20 years of creditable service, or
- you reach age 60 and complete five years of creditable service

Your early retirement benefit is determined by the same formula as a service retirement. However, because benefits may be paid over a longer period of time, they will be reduced. The amount of reduction depends on your age at retirement.

Discontinued Service Retirement

State employees who are at least 55 years of age and have 20 years of creditable service, and who are separated due to RIF, may be eligible for full retirement without a reduction in benefits instead of severance pay. You may also be eligible for reduced retirement benefits if you are 50 years old and have 20 years of creditable service. Please note that funding for discontinued service retirement must be recommended by the Secretary and approved by the Office of State Budget before it becomes an option. Approval by the Secretary and the Office of State Budget depends primarily on the financial ability of the State of North Carolina to fund discontinued service retirement.

Deferred Retirement

You may still receive a retirement benefit, even if you leave before service or early retirement. You are entitled to a benefit at a later date if you leave for any reason-at any age-after you have completed five years of creditable service, provided you do not withdraw your contributions.

Your benefit is determined by the formula in effect on the effective date of your retirement. It is based on your average final compensation and years of creditable service. You can apply for deferred payments to begin when you reach age 60.

If you have at least 20 years of creditable service when you leave, you can apply for early payments beginning at age 50. However, your benefit is reduced because you may receive payments for a longer period of time.

If you leave the State of North Carolina Retirement System before you have five years of creditable service, the only payment you will receive is a refund of your contributions.

Refund of Retirement Contributions

If you have five years of member service, you have the option of leaving your contributions in the retirement system and maintaining all of the creditable service you have as of the date of separation. Please note that if you elect to leave your contributions in the retirement system and you have made contributions for at least five years, you are entitled to retirement benefits at a later date.

If you leave state employment, you also have the option to receive a refund of your contribution to the retirement system. It is important to note that if you have your contributions refunded and are re-employed by the State at a later date, you have to contribute five years to the retirement system before you are eligible to buy back your prior state service. Buying back prior state service can be expensive. If you have at least five years as a contributing member, interest will be added to your refund. Your refund application will be forwarded to the retirement system once your agency has processed your final paycheck for time worked and accumulated vacation leave. State law does not permit the retirement system to make refunds earlier than 60 days after your application is received. Refund applications are available at your human resource office.

If you transfer to an agency under the Local Government Employees' Retirement System, you can transfer your contributions and creditable service as long as you are an eligible member of the system to which you are transferring and have not received a refund of your contributions from the state retirement system. Transfer applications are available from your human resource manager.

If you transfer to another state agency, your retirement number will remain the same and you have no option of withdrawal.

Contact your human resource manager for additional information on your retirement options.

Payroll Deductions

If you are enrolled in any group life, accident, disability income, dental or cancer coverage insurance plans paid by payroll deduction, you will need to contact your agency/institution for information on continuation options if you are separated by RIF. Your human resource manager can provide the appropriate contacts for any of these insurance companies or service groups. If you transfer to another state agency that provides the same insurance coverage through payroll deduction, you should contact your new human resource manager for information on transfer of your coverage.

If you separate from State of North Carolina government and have a payroll deduction for either Deferred Compensation or the 401(k) tax-sheltered supplemental retirement plan, you will need to contact the respective office to discuss what should be done with the proceeds in your account.

If you transfer to another state agency, you should contact your new human resource manager for transfer information.

If you have payroll deductions to the State Employee's Credit Union, you should contact a loan officer since your deductions stop when you leave the State's payroll. Deductions do not automatically transfer to another state agency. You must contact the Credit Union directly.

Unemployment Insurance Benefits

You may be eligible to receive unemployment insurance benefits. You should contact your local office of the Employment Security Commission concerning your eligibility to receive benefits. You are not eligible to receive unemployment insurance benefits while receiving severance salary continuation.

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EMPLOYEE ASSISTANCE PROGRAM

The announcement of a Reduction-In-Force (RIF) and the potential loss of employment can affect you in different ways. Some employees move through stages of emotional stress when trying to cope with the news. The Employee Assistance Program (EAP) offers a range of support services to employees and their family members who are confronted with the prospects of reemployment or job loss.

EAP is a confidential counseling service which helps employees define problems affecting them personally and identifies appropriate resources to ease and hopefully resolve personal crises. Counseling services are offered for employees who experience job-related stress, family and marital difficulties, financial or legal problems, work-life conflicts, and substance abuse.

You may contact the employee assistance program directly or you may ask your immediate supervisor or human resource office for assistance.

Employee Assistance Program

If I need to talk to someone in EAP, how can I arrange an appointment?

Appointments with an EAP counselor are as simple as picking up a phone and calling the counselor which serves your agency. Phone numbers for counselors are listed with each facility. Your supervisor or human resource manager can help you with arranging appointments.

Do I need to schedule time off to see an EAP counselor?

A supervisor's approval is needed to schedule leave time from work. However, you do not have to discuss your personal concerns with a supervisor. The time you spend with the EAP counselor is not taken from your leave account. If a referral is made by EAP to a third-party resource, leave time must be taken.

Will my family have access to the EAP services?

Yes. Because a family member's problem may affect the employee's well-being, the program is available to the immediate family members of an employee.

Does my State Health Insurance cover services rendered by the EAP program?

There is no cost for services provided by the Employee Assistance Program counselors. Any costs associated with referrals made by the EAP program will be the employee's responsibility. Your EAP counselor will discuss your insurance benefits, and make every effort to help you get the best services for a reasonable rate under your covered plan.

How long do assessment sessions last with an EAP counselor?

Sessions normally last from one to two hours.

Where will my scheduled appointment with the EAP counselor be held?

Sessions are scheduled either at the counselor's office or may be scheduled at any location mutually agreed upon.

Will any information discussed at the EAP session be shared with my employer or family?

No. Your visit with the EAP counselor will be confidential. No information will be given to anyone without your written consent.

Are other services provided?

Yes. Sessions to help groups of individuals affected by a Reduction-in-Force understand all of the mixed emotions associated with loss of a job will be offered through the Employee Assistance Program. The RIF sessions can help you recognize normal stress reactions and begin the adjustment process needed to focus positively on your future.

The group process will allow you to share feelings and to support other state employees who are in similar positions during the transition. Participation is voluntary.

For further information on **EAP services**, contact your human resource manager or call the DHHS Employee Safety and Health section at **919-733-2662**.

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Appointments and Separations

NC Department of Health and Human Services
Division of Human Resources

Policy and Procedures Manual
Section II

Reduction-In-Force

May 1, 1996
Revised May 28, 2008

Purpose

State human resource policy provides that an agency may separate an employee whenever it is necessary due to shortage of funds or work, abolishment of a position, or other material change in duties or organization. State policy further provides that each agency shall develop a written plan for reduction-in-force which shall be administered in accordance with the provisions of N.C.G.S. 126 as well as policy sanctioned by the State Personnel Commission.

The following policy and procedure concerning reduction-in-force is consistent with the State's policy governing this issue, and it is intended to ensure that departmental reductions-in-force are planned and implemented in a fair and systematic manner.

Policy

A reduction-in-force (RIF) occurs when management determines the following:

- (a) the need exists to consolidate, reorganize or abolish programs or organizational units with a resulting loss of one or more permanent positions,
- (b) the need exists to redesign the duties and responsibilities of a permanent position so materially that the changed classification and qualifications render the incumbent unqualified for the redesigned position, or,
- (c) the abolishment of positions and/or the reversion of salary reserve funds is required by the North Carolina General Assembly.

A RIF separation is the involuntary separation of a career state employee as the result of a Reduction-in-Force. Department management shall consider all feasible alternatives to the RIF separation of employees with permanent appointments.

"Career State Employee" Defined

The phrase "career state employee", as it applies to reduction-in-force, refers to a person who has been employed in a permanent appointment for the immediate 24 preceding months. This definition includes employees in trainee status who held a permanent appointment prior to entering a trainee appointment and employees who have served three years or more in a time-limited appointment.

Exclusion from Policy

The separation of an employee with less than three years in a time-limited appointment is not a RIF separation. These employees are not entitled to priority placement consideration or reemployment rights as defined in this policy.

When management reassigns or transfers a position to another program and/or geographical location with no subsequent change in classification or salary grade, the position's incumbent shall also be reassigned or transferred with the position. Position reassignments or transfers are not considered reductions-in-force, and are, therefore, excluded from the provisions of the policy. An employee who elects not to accept reassignment or transfer is not accorded priority placement or reemployment consideration rights as defined in this policy.

Reduction Plan

When a Reduction-In-Force occurs, other than a reduction of specific positions mandated by the NC General Assembly, appropriate management shall develop a reduction plan. The plan shall document the reasons for the RIF, the factors considered in deciding a particular course of action and the specific positions scheduled for abolishment or redesign.

The following factors shall be addressed in developing a reduction plan:

- Applicable laws and regulations
- Funding sources and budget guidelines
- Potential adverse impact on employees protected under state and federal equal employment opportunity provisions
- Impact on program objectives
- Possible redistribution of staff and other resources
- Composition of the affected work force
- Economy and efficiency

When the reduction plan will result in the probable separation of employees with permanent appointments, it shall include the designation of a layoff unit (See Section II, p.3, Type of Appointment) for the purpose of handling such separations. The layoff unit is the organizational unit from which employees in the classifications specified for abolishment or redesign will be separated. The layoff unit may be defined as an entire division or institution, or any organizational, geographical, or program unit within a division or institution. The layoff unit need not coincide with the program or activity that is the cause of the reduction.

Separation of Employees

When the implementation of a reduction plan requires the involuntary separation of employees with permanent appointments, such RIF separations shall consider the following factors:

- Type of appointment
- Length of service
- Relative efficiency

Type of appointment shall be the first determinant applied when separating employees. No employee with a permanent appointment in an affected classification shall be separated while there are temporary or probationary employees working in the same classification anywhere in the division or institution implementing the RIF. The employee with a permanent appointment must have the requisite knowledge, skills and abilities for the classification.

Length of service shall be applied after type of appointment and shall be defined as total state service according to policy approved by the State Personnel Commission. A less senior employee shall be separated before a more senior employee in the same classification unless there is a documented material difference in the employee's relative efficiency. When the length of service is one of the considerations in determining retention, an employee who qualifies for veteran's preference will be accorded one year of service for each year or fraction thereof of military service up to a maximum of five years.

When the length of service of two or more employees in the affected classification is equal, separation decisions shall be based on relative efficiency as defined below.

Relative efficiency shall be determined from the review and comparison of employee performance evaluations on record for the last completed work cycle and from any formal disciplinary action brought against the employee during the preceding twelve months.

Plan Approval

When the necessary separation decisions are reached through application of the criteria noted above, management shall notify the Director, Division of Human Resources, in writing of the proposed Reduction-in-Force. The notification shall include the following elements:

- A copy of the reduction plan
- A list of the employees scheduled for separation and their appointment status
- The anticipated effective date(s) of such separations
- Certification that the proposed separations will be implemented in accordance with the departmental RIF policy and procedure

Before implementation or formal notification to affected employees, the reduction plan and related separation proposals must be approved in writing by the Director of the Division of Human Resources.

Notice to Employees

After plan approval, management shall give all employees scheduled for separation a written notice. In the case of employees with permanent appointments, such notice shall include information on their priority placement and reemployment consideration status and applicable appeal rights. The notice shall include the anticipated effective date of separation. The employee notice shall be given as soon as possible but no less than 30 calendar days before the scheduled separation date. The division or institution human resource manager shall receive a copy of the notice.

Concurrent with or subsequent to presenting the notice to the employee, the appropriate supervisor shall discuss with the employee scheduled for separation the reasons for the action and his/her rights and responsibilities under this policy.

Priority Placement and Reemployment Consideration

An employee with a permanent appointment who is subject to a Reduction-in-Force (RIF) shall have priority placement and reemployment consideration rights for vacancies in state agencies and institutions subject to the provisions of the State Personnel Act. On receipt of written notice of imminent separation due to a Reduction-in-Force, an employee with a permanent appointment acquires priority placement status within all state agencies and institutions. After the date of separation, affected employees shall be accorded priority reemployment consideration status in accordance with this policy.

An applicant with priority placement and reemployment consideration status (RIF priority) has priority over non-state government applicants for vacancies at a salary grade, salary rate, and appointment type equal to or below that held at the time of notification. When more than one RIF employee applies for a vacant position, a RIF employee with more than 10 years of service shall receive priority consideration over a RIF employee with less than 10 years in the same or related classification. RIF employees receive equal consideration with state employees not affected by the reduction-in-force. RIF priority is in effect for twelve months following the date the employee receives the written notification of imminent separation.

To exercise priority placement status, the employee must submit a current employment application to the appropriate division or institution human resource office. The human resource manager shall then forward the completed application to the Division of Human Resources for submission to the Priority Reemployment Consideration Program in the Office of State Personnel. When an appropriate vacancy has been identified either by the employee or through the Division of Human Resources, the employee shall be offered the position unless the position is offered to a current state employee or another RIF applicant. The following requirements must be met:

- Employee must meet the minimum qualifications for the class as stated in the section entitled "Recruitment Standard."
- Employee must meet the specific job requirements as outlined by management.
- Employee must possess the ability to satisfactorily perform the job duties and responsibilities within a reasonable period of time after appointment.

A RIF employee may be placed in a position at a salary grade, salary rate and appointment type greater than, equal to, or below that of the position held at the time of notification. All placement offers within the Department shall be in writing. The employee must respond in writing within three calendar days of receipt of the offer. RIF priority is satisfied when the employee accepts a position that is at a salary grade, salary rate, and appointment type which is the same or greater than that held at the time of notification. If the employee refuses an interview or rejects an offer of employment for a position at a salary grade, salary rate, or appointment type which is higher, he/she forfeits further RIF priority unless the position exceeds a distance of thirty-five miles from the employee's previous work station. An employee shall retain priority if he/she accepts an offer for a position at a salary grade, salary rate, or appointment type which is lower than the position held at the time of notification.

When a RIF employee accepts a position at the same or at a lower salary grade, his salary rate will be the salary at the time of notification, unless the salary rate exceeds the maximum of the new salary grade, in which case, the salary rate is reduced to the maximum of the new salary grade. When an employee accepts a position at a higher salary grade, the salary rate will be set according to the promotion policy.

Assistance for Department Employees

The division or institution human resource manager shall be responsible for providing information concerning the reduction-in-force and associated rights and responsibilities to affected employees. This role will include the following:

- Initial guidance and counsel on RIF policy and procedure
- Liaison with the Division of Human Resources
- Job placement assistance and job counseling
- Referrals for necessary training and development
- Coordination of job placement efforts within a division or institution

Employees who decline assistance on job placement or reemployment must acknowledge their election in writing to the division or institution human resource manager. The written confirmation declining assistance will be forwarded to the Division of Human Resources who will then forward the documentation to the Office of State Personnel.

It shall be the Department's responsibility to make all feasible and reasonable efforts to identify appropriate vacancies and employment opportunities for employees subject to a Reduction-in-Force. The division or institution human resource manager will assume responsibility for assisting employees and ensuring coordination with the Division of Human Resources.

Appeal Rights

An employee with a permanent appointment has the right to appeal a RIF separation and/or the alleged denial of priority placement or reemployment consideration status in a selection decision in accord with the departmental employee grievance policy (DHHS Directive No. III-8).

Appeal of a RIF Separation

Appeals of a RIF separation shall be filed initially at Step 2 of the departmental grievance procedure and within 15 calendar days from the date of the employee's separation, i.e., the last day of work. The sole issue in an appeal of a RIF separation is whether management applied systematic procedures in determining who would be separated, unless there is an allegation that the separation was the result of an unlawful discrimination. Career employees may appeal a final departmental decision on a RIF separation to the State Personnel Commission.

Denial of Priority Placement or Reemployment Consideration Status

Appeals of alleged denial of priority placement or reemployment consideration in a selection decision shall be filed initially at Step 2 of the departmental grievance procedure and within 15 calendar days from the date the employee is notified of the decision.

In lieu of filing an appeal under the departmental grievance procedure, an employee with career status may elect to appeal an alleged denial of priority placement or reemployment consideration directly with the State Personnel Commission.

An employee who alleges that a RIF separation or denial of priority placement or reemployment consideration was the result of unlawful discrimination may elect to file an appeal either under the departmental grievance procedure or directly with the State Personnel Commission.

Employee Assistance Program Directory

Administrator for the DHHS EAP Program:

Rickye Collie

Assistant Human Resources Director for Institutions and Educational Services

Division of Human Resources

Raleigh, NC

919.733.2662

Employee Assistance Program Consultants

The program consultants listed below provide technical assistance, assessments, and training support for the DHHS institutions:

Ray Robbins

Central Region

Raleigh, NC

1.800.603.8496 (Pager)

919.855.4730 (Phone)

Vicki Harrington

Eastern Region

Greenville, NC

1.800.451.6324 (Pager)

252.355.9035 (Phone)

Karen Molli

Western Region

Black Mountain, NC

1.888.774.7926 (Pager)

828.669.4398 (Phone)

For information about DHHS EAP, you may visit the EAP website at:

<http://www.ncdhh.gov/humanresources/esb/eapcoordinators.htm>

NC State Agency Resources

Employee Security Commission

<http://www.ncesc.com>

North Carolina Office of State Personnel (NC OSP)

<http://osp.its.state.nc.us>

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NOTES

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Revised October 2008